

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO.: 7:07-CV-166-H

LEE LEWIS and JANICE HOSLER)
et al.,)
)
 Plaintiffs,)
)
)
 v.)
)
)
SMITHFIELD PACKING COMPANY,)
INC.)
)
 Defendant.

ORDER

This matter is before the court on defendant's unopposed motion to dismiss, or in the alternative, for summary judgment dismissing claims of certain opt-in plaintiffs who failed to disclose this action in their bankruptcy proceedings [DE #350]. United States Magistrate Judge James E. Gates filed a Memorandum and Recommendation ("M&R") on July 12, 2010, recommending that defendant's motion be granted and the claims of those opt-in plaintiffs be dismissed. No objections to the M&R have been filed, and the time for doing so has expired. This matter is ripe for adjudication.

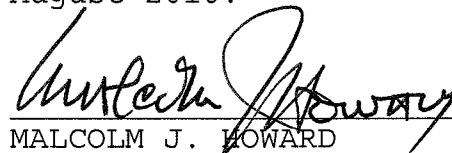
Under Rule 72(b) of the Federal Rules of Civil Procedure, a District Judge shall make a de novo determination of any portion of an M&R to which specific written objection has been made.

Fed. R. Civ. P. 72(b); see also Local Civil Rule 72.4(b)(1), E.D.N.C. No objection to the M&R having been filed, the parties have waived their right to de novo review of any issue covered in the M&R. Nevertheless, this court has conducted a full and careful review of the M&R and other documents of record and, having done so, hereby finds that the recommendation of the magistrate judge is, in all respects, in accordance with the law and should be approved.

Accordingly, the court ADOPTS the recommendation of the magistrate judge as its own. Defendant's unopposed motion to dismiss, or in the alternative, for summary judgment dismissing the claims of opt-in plaintiffs who failed to disclose this action in their bankruptcy proceedings [DE #350] is GRANTED and the action is DISMISSED as to those individuals specified in the M&R.

The clerk is DIRECTED to amend the caption of this action to read as follows: Janice Hosler et al. v. Smithfield Packing Company, Inc.

This 25th day of August 2010.



MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
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